(1)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1993

PATRICIA K. MARTIN,

Petitioner

v.

JAMES B. BUSEY, IV; WILLIAM T. HUDSON;
FEDERICO PENA.

Respondents

PETITION FOR WRIT OF CONSPIRACY TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR WRIT OF CONSPIRACY

Patricia K. Martin
pro se petitioner,
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Albuquerque, NM 87109-4753
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24 pp

QUESTION PRESENTED

Whether the 4th department conspiracy to usurp judicial power has spread to Oklahoma or has been confined to Illinois.

LIST OF PARTIES

Parties to the proceedings below were pro se petitioner Patricia K. Martin; respondents were James B. Busey, IV; William T. Hudson; Federico Pena, defendants-appellees below.

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Pro se petitioner respectfully requests that a Writ of Conspiracy issue to review the Order and Judgement of the United States Court of Appeals for the Tenth Circuit entered on February 7, 1994.

OPINIONS BELOW

In District Court, the Honorable Lee R. West denied jury trial,[1] timely requested. He failed to certify the alleged class conspired against, but Petitioner still believes that class is singled out, violating 42 U.S.C. § 1985 and the 14th Amendment. Judge West directed Petitioner to confine her discussion to her own case.

Judge West said he couldn't abolish the FAA under any circumstances: that was something for the Legislative and Executive Branch. He cited his own prejudice in being a former member of the Civil Aeronautics Board when there was an effort to have it abolished.

However, Judge West did have authority to at least look at the Federal Aviation Act of 1958 and examine its judicial power. It is a federal law. He is a federal judge. It was not until 1875 that the lower federal courts were given jurisdiction over cases involving federal questions, but they were given the authority.

Petitioner's problem was that the Federal Aviation Administration had taken over common law Oklahoma jurisdiction, amounting to a conspiracy against a State. There was no due process. Her property had already been seized. It is unclear how the Legislative and Executive Branch, as Judge West suggested, would be involved in resolving the judicial problem at hand. The State should not have been ignored, with all the protections of Petitioner's property it could have offered her.

In I.C.C. v. Brimson, 154 U.S. 447 (1984), the Court stated that such agencies as the I.C.C., which exercises what is called "quasi-judicial" power, can not be given either the power to make final adjudications of private rights or the independent power to compel testimony, consistent with due process of law, and that it is a subordinate administrative tribunal. So would be the FAA, the "aeronautical I.C.C."

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[1] a violation of Amendment VII

Had the misdemeanor offenses been charged by a State magistrate,[2] rather than this tribunal, Petitioner would have been much better off, because then the burden of proof would have been on the State. The alleged offenses were common law.

Petitioner was not allowed to disagree with any of the FAA determinations that had been made, including the one that Petitioner's father had sexually abused her. [3] Judge West said he was not going to sit and listen to Petitioner "rehash" [4] the determinations already made, which Judge West called "evidence submitted." He granted judgment and a dismissal of case as a matter of law.

Petitioner filed a timely appeal as of right from a district court to the Court of Appeals, Tenth Circuit. Through a discussion with Oklahoma City Police Detective Rick Dunn, White Collar Crime Unit, Petitioner learned that the Court of Appeals had the authority to turn the civil perjury into a criminal charge and that became the main concern of the appeal.

The Judgment Order of the United States Court of Appeals for the Tenth Circuit is set forth in full in the Appendix at page App. 2 of this Petition.

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[2] They were not, which was to usurp the power of judicial review, from Oklahoma, and constitutes a violation of Oklahoma Article 21 § 424.

[3] In State ex rel. Fulton v. Scheetz, 166 NW2d 874, the court pointed out that in such proceedings the issue to be resolved by the trier of facts is not guilt or innocence of some crime specifically charged, but rather whether a designated person is so mentally or emotionally disturbed that he has criminal propensities toward the commission of sex offenses.

[4] Courts have held that the standard of proof beyond a reasonable doubt is required in proceedings for the commitment of sexual offenders or sexual psychopaths, generally reasoning that due process mandates this standard in view of the loss of liberty entailed by the proceedings and the attendant stigma if one is found to be a sexual offender or sexual psychopath.

JURISDICTION

The judgment of the United States Court of Appeals for the Tenth Circuit was entered on February 7, 1994. The jurisdiction of this court is invoked pursuant to 28 U.S.C.A. § 1651 (a).

CONSTITUTION AND STATUTORY PROVISIONS INVOLVED

1. U.S. Constitution, Amendment VII, which provides:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

2. U.S. Constitution, Amendment VIII, which provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

3. U.S. Constitution, Amendment IX, which provides:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

4. U.S. Constitution, Amendment X, which provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

5. Oklahoma, Article 21 § 424, "Punishment for Conspiracy against State," which provides:

An Act making it a crime for two or more persons to conspire to commit any offense against the State of Oklahoma, or to defraud the State of Oklahoma. Laws 1915, c. 260.

6. Federal Aviation Act of 1958. SEC. 102(a) (9) (10) (11); (b) (1) (2); SEC. 103(b); SEC. 305; which are set forth in the Appendix at App. 4 of this Petition.

7. U.S. Constitution, Article I, SEC. 8(3), which provides (1) The Congress shall have power; (3) To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

STATEMENT OF THE CASE

Petitioner's federal career began October 3, 1977 on a DOJ appointment. A brief time was served in GSA. In March 1980 Petitioner transferred to DOT, FAA Academy serving in several different capacities, including simulated pilot and supervisory, in two Branches.

In July 1985 FAA Academy suffered an awesome change in management style. Petitioner was charged with two Oklahoma misdemeanors by the DOT Civil Rights Office; suffered heavy fines and penalties under the division manager for two Religious Acts; placed in confinement for her attempt to have Good Ethics; was threatened by a total of 6 of the Defendants, the first on February 6, 1986, and the last, accompanied by the Defendant's shaking fists, July 26, 1988.

Petitioner was removed during her EEOC hearing on denial of a promotion, the promotion having been promised her in the July 1986 settlement agreement of two sex discrimination cases. After removal on September 6, 1989, Petitioner charged the agency, including the DOT Civil Rights Office, with conspiracy, and had her doubts about the EEOC, since Petitioner was told the EEOC was approving all the arbitrary and capricious changes in her job duties. (Petitioner was supposed to be in a "protected" status beginning in 1987 when she filed the complaint on the promotion.)

If Petitioner could change one and only one change in FAA management, it would be this: Supervisors and managers would know the jobs of all people under them. FAA does promote competent, educated, talented people, and for the first 5 years of Petitioner's career, she did have supervisors who knew their jobs, and hers. But there are two personality types FAA is likely to promote before they promote others, especially since the strike: (1) a controller who has made mistakes and killed people, and (2) a "might" and "muscle" type, resulting in Petitioner's being suspended for two weeks in February 1989 for recommending a colon before items in a series.

Top FAA management feels threatened and acts rashly much of the time. It is only natural to feel threatened by competent controllers, if the manager himself is an incompetent controller and has killed several people.

The adverse actions against Petitioner were maliciously written, printed publications which were intended to blacken Petitioner's reputation, expose her to public hatred, contempt, and ridicule, and injure her in her profession. Petitioner is innocent. District court's determination that Petitioner's father was a sexual abuser makes FAA above Rules of Evidence.

Nothing could be further from the truth. It has been Petitioner's painful 6-year experience that neither the EEOC nor the courts need concern themselves with truth. Dr. Martin was a man of self-control and healing. He taught his children self-control. Senators who knew him would have appointed either one of his sons to West Point. He was not only a doctor, but a mayor and city commissioner. Son Lou Jr. was also recently elected city commissioner. Both Dr. Martin and Lou Jr. were even civic-minded in their hobby—cutting down nuisance trees. The former Curry Clinic now bears the Martin name.

REASONS FOR GRANTING THE WRIT

The law has been lost and must be got back. Civil liberties have been lost and must be got back. Property has been seized.

Due process has been usurped by a tribunal the Court has said is not the proper authority.

Sovereignty of a State has been threatened.

"Promotion of Aviation" is an executive function beyond the control of the Executive Branch, seldom directed by the Legislative Branch, and not subject to review by the Courts. It is a broad, all-encompassing, executive, quasi-legal, quasi-judicial function which the tribunal of the FAA takes full advantage of and frequently abuses. FAA concentrates on the promotion power so heavily that this absorption diverts its attention from the people.

I. ABUSE OF JUDICIAL POWER

FAA, including Great Lakes Region, was fanatically opposed to any controller failing to report for duty August 3, 1981 getting his job back—even if it meant perjuring themselves repeat-

edly, illegally altering more than once the same T & A's of controllers going before the MSPB, and ARTCC management conspiring with Great Lakes on shipping documents. FAA set up a war room at Chicago ARTCC to falsify and create evidence after the fact. Congress investigated it for 3 years, determined that FAA was hopelessly corrupt, and the only action taken by Congress is to declare that it should be of concern to the agency! Historically, FAA has never shown itself worthy of judicial power, yet Congress keeps giving the oversight of FAA to itself.

One month before Petitioner was removed, Congress, not Petitioner, stated that in Aurora, Illinois, the Subcommittee found FAA's conduct contrary to what the public has the right to expect from its officials and at odds with the protections of due process found in the Constitution. [5]

The Defendant who threatened Petitioner most violently is from Great Lakes Region. Very likely, he is the main conspirator in the Civil Rights misdemeanor letter, not the Defendant who testified to the EEOC that he wrote it, since that Defendant witnessed nothing: he was on annual leave at the time of the alleged events.

Petitioner could very well echo the 1960 testimony of Mr. A.C. Holder, Lovington, N. Mexico:

> . . . many people in aviation to whom I have talked have refused to contact their Senators and Congressmen or write the FAA because of their fear of losing their license or having the FAA crack down on them.
>
> Certainly the 1958 act was a broad act and under proper administration and reasonable guidance without subtle treachery by a haughty character in absolute control, could have been one of the finest examples of democracy in action, had it provided the safeguards provided for in the Constitution, but instead it turned out to be a handy tool of a would be dictator and unlimited power in the hands of a tyrant. I propose:
>
> 1. That the law be amended to provide the checks and balances asked for by the Aircraft Owners & Pilots

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[5] Investigation into the 1981 Firings of Air Traffic Controllers at the Chicago Air Route Traffic Control Center, p.8.

Association and very specifically it should be amended to make it mandatory for the FAA to accept a pilot's personal physician's recommendation as to whether or not he is physically fit to fly.

(This is proposed amendment to Federal Aviation Act of 1958:)
Amend section 602(b):
Insert after the second sentence of said section, which ends with the words, "to assure safety in air commerce", the following sentence: "The Administrator shall issue a third-class medical certificate to an applicant if the applicant is found by a duly licensed medical doctor to be physically able to perform the duties of a private pilot."

I further recommend that there be an investigation into whether or not a group of the military (Air Force) is trying to take over this civilian agency. I think legislation should be carefully considered toward preventing the transfer of personnel from the Air Force to the FAA.

3. I agree wholeheartedly with Mr. Hartranft, president of the AOPA, when he implied in his testimony that military personnel are unqualified to administer this act by the very nature of their background in vertical chains of command and accountability and the relative haven from public censure.

Very definitely Mr. Quesada and company should be removed.

I want to point out here that one reason administrative tyrants can proceed unchecked with their foul deeds is because of the cost of fighting them. I have very little or no information available to me in New Mexico. I have to pay personally very considerable attorneys' fees to carry out these fights and all of the time the FAA has available to them on Government money all of the statistical and the legal counsel that they might desire, and can pay expenses of witnesses to Washington, D.C., to testify. Money is no problem to them. If this privilege were used in behalf of the people instead of the behalf of a dictator it would be a fine thing, and I recommend there be some basis of personal damage against those who cause unwarranted and unreasonable abuse against any individual.

> I am proposing to the AOPA, and they now have it under consideration, the establishment of an aviation council, which I have for purposes of description termed a "vigilante committee," whereby contributions can be received from members of all aviation organizations and the funds to be used solely for the protection of individual rights.
>
> When tyrants are faced with going to the Federal courts they certainly will think twice before they imbibe in their subtle treachery, and gentlemen, the Federal Aviation Agency is headed by a treacherous tyrant, un-American in his acts and unjust in his administration.
>
> Mr. Quesada's highly publicized policy for the FAA was to be fast, factual, and fair. He must be compliminted on being fast, but instead of fair, he has been frenetic and instead of factual, he has been fraudulent. I recommend to this committee that insofar as third-class medical certificates are concerned the approval of the family physician will be all that is necessary, and I don't mean a long form but a simple factual statement. This should be part of the law to prevent this growing number of little dictators from harassing a group of people that normally would not spend a great amount of time or money to make their views heard in Congress.[6]

Of course, it is not the clear intent of the 1958 act to endow the Administrator with unlimited power. Where, then, are the checks and balances on this power?

In the strictest theoretical sense, the FAA Administrator is himself burdened with Constitutional responsibility. He is responsible for seeing to it that FAA officials under him follow the guidelines of the Constitution. The Secretary of Transportation, in turn, is responsible for the Administrator staying with the Constitution. And, finally, we reach the person who is ultimately accountable for the preservation of the Constitution in his entire Department: the President of the United States, as head of the Executive Branch of the Federal Government.

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[6] REVIEW OF THE FEDERAL AVIATION ACT, June, 1960; Part 3, pp. 1006-7.

FAA employees lost the President as a check and balance on power during Election Year 1980, with the President himself denying due process and cutting down thousands of journeymen controllers, who alone could make safe use of antiquated equipment, for whom the Executive Branch had no replacements, and furthermore, could not even begin to replace for at least 3 years. This was the strength of the bitterness and Presidential vindictiveness: (1) shirking Constitutional responsibility, especially in Illinois; and (2) preferring to risk the public safety, if need be.

The controllers' union (PATCO) unwittingly humiliated the Reagan-Bush Administration, ultimately resulting in an official investigation of an illegal (if the connection had been proved) political promise: to get rid of Administrator Bond in return for PATCO , as a bloc, endorsing Governor Reagan for President of the United States. Petitioner worked for FAA before and after the strike, which never made sense before this "cloud" on the Administration was discovered-knowing what it took to get a journeyman. The vindictiveness of the Reagan-Bush Administration explains (1) how massive numbers of uniquely skilled "family" could be tossed out, (2) the callousness of it, and (3) the "Constitutional defenselessness" of FAA employees today.

Though it be Constitutionally irresponsible, FAA's powerful friends have forever been kind. The worst Senator A. S. Mike Monroney had to say about the organization was that it acted like "cops," that it wasn't always "a friend on the ground." Certainly, the FAA has always known how to get around the $1000 1938 civil penalty limitation and is quite capable of imposing enormous fines, running any airline it chooses out of business at will. However, with the police power must come responsible use of that power. Responsible, reasonable use has never been FAA's strong point. FAA should not be able to single out a particularly hated class of people and punish this class as severely as it would like, with no limits on the hate, but it does, inconsistent with the Court's decision in Plessy v. Ferguson, 163 U.S. 537, which Mr. Justice Brown delivered: " . . . . every exercise of the police power must be reasonable, and extend only to such laws as are enacted in good faith for the promotion of the public good, and not for the annoyance or oppression of a particular class . . . . "

II. AERONAUTICAL I.C.C.[7]—FOURTH DEPARTMENT

Petitioner embarked upon what was to be a 3-year study at UNM libraries how FAA could be so reckless in judicial power, when DOJ and GSA adhere strictly to both federal and state law. Something was wrong. Perhaps it was something in the FAA charter which allowed this.

Because FAA was created due to numerous military accidents and deaths (military doing maneuvers were bashing civilians on airways), the first theory was that FAA was created powerful enough to tell the military what it could or could not do on its maneuvers, apparently because the old CAA (Civil Aeronautics Authority), whom the FAA absorbed, didn't have enough authority.

In comparing the two charters, CAA and FAA, Petitioner discovered the 1935 landmark Humphrey's Executor v. U.S. decision, in which the Court put the Interstate Commerce Commission in "the 4th department," outside Presidential power of removal, where 6 Executive department heads-War, Navy, Post Office, Commerce, State, Treasury-immediately wanted the new "aeronautical I.C.C." to be. The 6 met secretly. No reports of their meetings were ever published, which is remarkable. Mr. Hester, Treasury, appeared before the House. He convinced the Committee on Interstate and Foreign Commerce to trash their Legislative bill, H.R.7273, already reported out, and enact into law their Executive bill, H.R. 9738, instead. What Mr. Hester failed to persuade Congress to believe was that the Executive Branch having no interest in one bill and an inordinate interest in the other was "an ordinary course of events." Overall, his biggest problem was in explaining how the President could be "strongly opposed" in 1935, yet "for" the establishment of a new independent commission in 1938.

FDR wanted a new airport because he was ashamed of the old. The Executive Department heads wanted agents free to make judicial decisions in "promotion of aviation" without worrying about the Constitutional courts' say, or the President's power of removal. They got both.

"Promotion of aviation" is a function, categorized by Congress as being in "the 4th department," just the function, not the agency

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[7] To Create a Civil Aeronautics Authority, p. 271.

itself. 90% of the agency is "promotion." The scheme to gain supreme judicial power no court would have authority to review and would also be beyond Executive control worked for 2 years. However, FDR, unique president that he was, devised a unique solution. It should be noted that the legislators thought having a "sole authority" for the approval or disapproval of routes would avoid the "senseless duplication" of routes which ruined the railroads. The "sole authority" had the opposite effect of the intent of the law. Usurped judicial power consumed Petitioner's career. The Executive Branch used the Court to accomplish their deed. "No one dreamed that the Supreme Court would hand down a decision like it did in the Humphrey's case, holding that we have a fourth department, which is actually headless," [8] said Mr. Hester.

III. UNCONSTITUTIONALITY OF PROMOTION

The Constitution does not speak on the promotion power, merely the regulatory power: the powerful "commerce" clause. Historically, Congress has considered "promotion" the implied power, with "regulation" being the delegated power. They must exist together. Congress does not have the implied power without the delegated power, in this central government of limited, enumerated powers only.

> H.R. Report No. 854, June 7, 1912:
> Under the Constitution Congress clearly has the power to regulate commerce among the States and with foreign nations, and as an incident thereto it necessarily has the power to encourage, facilitate, and promote that which it has the right to regulate.

For the central government to be empowered to engage in it, the delegated right to the power must be there, under the Constitution. It is absurd to imagine that the central government may pick and choose which commerce it shall promote, and which commerce it shall not promote; or for the Legislature to say, "We shall drop regulation out, but we shall keep promotion in".

Unfortunately, that is precisely what the Legislature did in 1978, when it passed the Airline Deregulation Act.

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[8] To Create a Civil Aeronautics Authority, p. 409.

IV. THE TENTH AMENDMENT AND THE PROMOTIONAL CLAUSES

Congress has the absolute right to regulate any interstate commerce it chooses, according a very powerful "commerce clause" in the very First Article of the Constitution. In 1978, the Congress said, by passing the Airline Deregulation Act, "We vote not to regulate this interstate commerce any longer," and thereby voluntarily gave up its clear constitutional right. Where did that right go? It reverted to the people, according to the Tenth Amendment. But Congress kept the implied power (promotion of aviation) which had come from the delegated power it had just voted to give back to the people.

V. IMPACT OF THE PROMOTIONAL CLAUSES: IMPERFECT SAFETY/RETALIATION

Promotion without Regulation is:

Privilege without Responsibility. Cake without the meal first. Going to the Paris Air Show after rushing through the DC-10 type certificate, not acting on serious design flaws, so that the DC-10 might compete with the L-1011.

Arguing against required child restraint systems, making flight attendants wonder why they are the ones arguing for them. Not requiring the latest technology in cabin materials, when your own experts have been testing and proving them safer for years. Refusing to ground the DC-10 fleet for safety inspections when AA191 has already cracked up. Promotion of aviation is an "all writs" judicial clause, which can mean anything the top officials want it to mean. (Legally, Petitioner was in the 4th department, promoting aviation, and not even the President could ask for her resignation: she edited air traffic control lesson plans. Air traffic control has been "promotional work" since 1938.) Mostly, FAA Administrators use "promotion of aviation" to keep all aircraft, no matter what their condition, in the air, and not on the ground having some kind of safety installation work being done on it. But, when he wants to do so, the Administrator can use it for true vindictiveness in catch-22 situations. A Dallas-Fort Worth controller was told to break the 3-mile separation on final rule because delays weren't "promoting aviation." The controller allowed 2½ miles separation on final approach and got the planes down faster. He was downgraded, and the Union had to fight in court to get the guy back up where he had been. Few administrators will go back to the definition of "promotional work" found in the 1938 law, looking it up

to know what Congress meant in the original legislation. They might be surprised. Probably what Petitioner dislikes most about the "promotion" issue is that it was used as a "catch-all" in her removal. The removal letter states that Petitioner was removed to promote the efficiency of the service. No explanation.

CONCLUSION

Pro se petitioner respectfully requests that the extraordinary writ issue to the Court of Appeals, Tenth Circuit, for examination of conspiracy to due process and the judicial system, and disciplinary action to be taken, if warranted.

Petitioner hereby waives the two years' back pay she is entitled to by law. Her father, Louis A. Martin, M.D., Sapulpa, Oklahoma, would not have approved her taking money for which she had not worked, no matter what the circumstances.

Petitioner concedes to (only) one 1989 FAA determination: Electronics Technician is the only position for which Petitioner is qualified. She is willing to be reinstated locally to save government moving expense.

However, Petitioner continues her request for the 5 weeks' unpaid suspensions, at $22,222/annum on a matter of principle: Petitioner absolutely deserves <u>some</u> form of apology from the Federal Aviation Administration.

Patricia K. Martin

PATRICIA K. MARTIN, PETITIONER

App. 1

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

No. 93-6092
(D.C. No. CIV-91-2145-W)
(W.D. Okla.)

PATRICIA K. MARTIN,

Plaintiff-Appellant,

v.

JAMES B. BUSEY, IV; WILLIAM T. HUDSON;
FEDERICO PENA,

Defendants-Appellees

Filed February 7, 1994

ORDER AND JUDGMENT*

BEFORE: TACHA and KELLY, Circuit Judges, and BROWN,** District Judge.

**Honorable Wesley E. Brown, Senior District Judge, United States District Court for the District of Kansas, sitting by designation.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

Plaintiff-appellant Patricia K. Martin brought this pro se action against defendants under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e to -16, alleging improper gender and race discrimination and reprisals that eventually led to termination of her employment with the Federal Aviation Administration. After Martin presented her evidence at a trial to the district court, the court found that she had not presented any credible evidence of impermissibly motivated employment practices and that she had not made out a prima facie case of discrimination. It therefore granted judgment as a matter of law to defendants and dismissed the case. Martin appeals.

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* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation or orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of the court's General Order filed November 29, 1993. 151 F.R.D. 470.

We review a district court's factual findings regarding employment practices in a Title VII case under the clearly erroneous standard. See Sanchez v. Philip Morris Inc., 992 F. 2d 244, 247 (10th Cir. 1993). Because Martin is proceeding pro se, we construe her arguments liberally. Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991). We have fully considered her arguments and find them unpersuasive. In addition, there is no evidence of any bias against Martin by the district court.

The judgment of the United States District Court for the Western District of Oklahoma is AFFIRMED. Martin's motions to present witness, to present evidence, and to present oral argument not by a female but by a male are DENIED. The mandate shall issue forthwith.

Entered for the Court

Deanell Reece Tacha
Circuit Judge

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF OKLAHOMA (Oklahoma City)

Cause: 42:1983 Civil Rights Act
PATRICIA K. MARTIN
plaintiff

Civ-91-2145 W

v.

SAMUEL K. SKINNER
defendant

JAMES B. BUSEY, Admiral
defendant

WILLIAM T. HUDSON
defendant

PENA, FEDERICO (Substituted for Samuel K. Skinner)
defendant

Date filed: 3/8/93, Martin v. Pena, et al. JUDGMENT by Honorable Lee R. West
The court finds no grounds for relief have been established and thus, that the plaintiff is not entitled to the relief she has requested, either in connection with her employment or with regard to the FAA. Judgment shall issue accordingly.

Date filed: 3/8/93, Martin v. Pena, et al. JUDGMENT by Honorable Lee R. West dismissing case in favor of the defendant, Federico Pena, and against the plaintiff, Patricia K. Martin, so that plaintiff takes nothing by way of her claims.

FEDERAL AVIATION ACT OF 1958

SEC. 102 (a)(9) The encouragement, development, and maintenance of an air transportation system relying on actual and potential competition to provide efficiency, innovation, and low prices, and to determine the variety, quality, and price of air transportation services. (10) The encouragement of entry into air transportation markets by new air carriers, the encouragement of entry into additional air transportation markets by existing air carriers, and the continued strengthening of small air carriers so as to assure a more effective, competitive airline industry.

(11) The promotion, encouragement, and development of civil aeronautics and a viable, privately owned United States air transport industry.

SEC. 102(b)(1) The encouragement and development of an expedited all-cargo air service system, provided by private enterprise, responsive to (A) the present and future needs of shippers, (B) the commerce of the United States, and (C) the national defense. (2) The encouragement and development of an integrated transportation system relying upon competitive market forces to determine the extent, variety, quality, and price of such services.

DECLARATION OF POLICY: THE ADMINISTRATOR
SEC. 103(b) The promotion, encouragement, and development of civil aeronautics;

FOSTERING OF AIR COMMERCE
SEC. 305 The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad.